

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DANA STEVENS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 07 C 3319
	)	
ORLAND PARK MOTOR CARS, INC.,	)	
etc.,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

This Court's July 30, 2007 memorandum order ("Order"), after having identified one understandable and one careless error in the original Answer filed by counsel for Orland Park Motor Cars, Inc. ("Orland Mercedes"), specifically pointed counsel to Fed. R. Civ. P. ("Rule") 8(b) and to the relevant Appendix in an earlier published opinion by this Court. Yet the Amended Answer filed the next day by Orland Mercedes' counsel, after correcting the two minor errors in the earlier responsive pleading, surprisingly failed to follow the clear roadmap marked out by the two sources to which the Order had directed counsel in amending Answer ¶¶2 and 4.

Lest counsel's third trip back to the drawing board fails to prove the charm, this memorandum order will be even more specific: To get the benefit of a Rule 8(b) disclaimer, it is essential that a party negate the sufficiency of its knowledge and information to form a belief--obviously a high hurdle in the disclaimer mode. And even with a properly stated disclaimer, it

is of course an oxymoron to add "and therefore denies this averment"--how can a party that says it cannot in good conscience admit or deny an allegation then go on to deny it?

Accordingly the Amended Answer is stricken, once again with leave being granted to file a proper responsive pleading on or before the same August 10 date that had been specified in the Order. In addition, there is no reason that the client should have to bear the cost of counsel's errors, so that no charge is to be made to Orland Mercedes for the work and any expenses involved in preparing either the Amended Answer or the forthcoming pleading. Orland Mercedes' counsel are ordered to apprise their client to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter (not for filing).

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

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Milton I. Shadur  
Senior United States District Judge

Date: August 1, 2007